

REMARKS

In response to the Office Action mailed on January 26, 2009 and the Notice of Incomplete Response mailed on September 3, 2009, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Specification

The Examiner has stated that the title of the invention appears to be too long. Applicants have amended the title accordingly.

General Comments

In the Notice of Incomplete Response dated Sept. 3, 2009, the Examiner alleged that a section entitled “General Comments” in the Office Action was overlooked or completely ignored by Applicants. Applicants hereby acknowledge that the Examiner has identified materials that the Examiner deems relevant to the claimed invention in the “General Comments” section of the Office Action. This section was read, but it is unclear as to what the Examiner desires, as it contains no objections, rejections, or requirements. Since the Examiner has not raised any issues in the “General Comments” section, Applicants respectfully submit that no additional actions are required with regard to this section. Per 37 CFR 1.111(b), Applicants must reply to every ground of objection and rejection in the Office Action. Since the “General Comments” include neither an objection nor a rejection, Applicants respectfully submit that this reply, as well as the previously filed reply, fully complies with 37 CFR 1.111.

Claim Disposition

Claims 1-49 are pending in the application. Claims 1-49 have been rejected.

Claim Amendments

Claims 1, 2, 24-26 and 47 have been amended. No new matter has been added by the amendments.

Claim Rejections - 35 U.S.C. § 101

Claims 1 and 24 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 1 recites, “identifying a hypertext link on a source web page on a source server as a deep link, said hypertext link referencing a target web page on a target web site of a target server, the source server in communication with the target server via a network”. Claim 24 recites, “accessing a target web site on a target server via a network and identifying links that are candidates for deep linking” and “storing said deep link table at said source web site on a source server in communication with the target server via a network”. Accordingly, Applicants respectfully submit that Claims 1 and 24 include particular machines and thus are statutory subject matter under 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. § 102

Claims 1-49 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,539,424 to Dutta (hereinafter "Dutta"). Applicants respectfully traverse.

To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.”(emphasis added) *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ...claim.”(emphasis added) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicants hereby acknowledge that the Examiner has stated that this rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 or by an appropriate showing under 37 CFR 1.131. In the Notice of Incomplete Response dated Sept. 3, 2009, the Examiner requested that a comment or statement be made in this regard. Per MPEP 706.02(b), there are 6 options (A)-(F) for overcoming a rejection under 35 USC 102(e). The Examiner has

identified options (C) and (D), which include filing an affidavit or declaration under 37 CFR 1.132 or 37 CFR 1.131. Applicants have elected to rely upon options (A) and (B), which include persuasively arguing that the claims are patentably distinguishable from the prior art, and amending the claims to patentably distinguish over the prior art. Therefore, while Applicants appreciate the reminder as to available options for overcoming the rejection, Applicants have elected different options. Applicants respectfully submit that the response contained herein is fully responsive and complies with 37 CFR 1.111.

Regarding Claim 1 Applicants respectfully contend that Dutta does not teach each element of the invention “arranged as in the claim”. Dutta teaches, “If the content provider receives a request for a Web page that is a deep hyperlink into the content provider's Web site, the content provider reroutes the request to the content provider's Home page. In addition, the content provider explicitly displays to the user, in an attached note, the next link or sequence of links that the user should follow in order for the user to get to the desired deep link.” (Dutta; Abstract). Dutta does not specifically teach that a “deep link table contains web page links and rules operable for establishing web content that is to be presented to a visitor of said target web site”, as recited in Claim 1. Moreover, Dutta fails to disclose, either expressly or inherently, “displaying web content to said visitor in accordance with said rules, the web content comprising: pre-display content that is displayed prior to display of said target web page; and with-display content that is displayed simultaneously with display of said target web page”, as recited in Claim 1. While Dutta may provide a note or information as to how to reach a target page from a home page, Dutta does not disclose additional “with-display content that is displayed simultaneously with display of said target web page”, as recited in Claim 1. For at least these reasons, Applicants respectfully submit that Claim 1 is not anticipated by Dutta for at least the reason that Dutta fails to disclose, either expressly or inherently, all of the elements of Claims 1.

Claims 2 – 23 depend from Claim 1, and thus are believed to be allowable at least due to their dependency on Claim 1.

Further regarding Claim 2, Applicants respectfully submit that Dutta fails to disclose, either expressly or inherently, “said web content further comprises: post-display content that is displayed subsequent to display of said target web page”. Dutta is silent to further content

display after reaching a targeted deeply linked page. For least this reason, Applicants respectfully submit that Claim 2 is not anticipated by Dutta.

Applicants further submit that the Examiner has not addressed the dependant claims, which include multiple elements that do not appear in Dutta. For example, Claim 16 recites, “on demand sharing of process software for providing deep linking with digital rights management”; Claim 17 recites, “recording a plurality of usage measurements selected from the group of usage measurements consisting of network bandwidth, processor memory, storage, and central processing unit cycles”; Claim 18 recites, “summing said usage measurements; acquiring at least one multiplicative value associated with said usage measurements and with unit costs”; Claim 19 recites, “posting said on demand charge on a web site if requested by said requesting customer; and sending said on demand charge via e-mail to said requesting customer's e-mail address”; Claim 20 recites, “charging said on demand charge to said requesting customer's account if an account exists and if said requesting customer has selected a charge account payment method”. Applicants respectfully submit that at least these elements and others recited in Claims 2-23 are not disclosed, either expressly or inherently, in Dutta, and thus cannot be anticipated by Dutta.

Regarding Claim 24, Applicants respectfully submit that Dutta does not disclose, either expressly or inherently, “utilizing a browsing history of web pages navigated at said target site, entering at least one target web site page identified as requiring a deep link in a deep link table; and storing said deep link table at said source web site on a source server in communication with the target server via a network”, as recited in Claim 24. While Dutta describes the use of cookies at the content producer side and/or at the client side, Dutta does not teach, “storing said deep link table at said source web site on a source server”, which would be equivalent to the content aggregator web server 102 of Dutta. As stated in Dutta, “It should be noted that the sequential links, and the hierarchical tree structure, are defined by the content provider server” (Dutta; col. 5, lines 13-15). Since Dutta's content provider defines the structure and sequence of reaching the target web site at the content provider, there is no reason to assume that Dutta discloses, “utilizing a browsing history of web pages navigated at said target site, entering at least one target web site page identified as requiring a deep link in a deep link table” (emphasis added), as recited in Claim 24. For at least these reasons, Applicants respectfully submit that Claim 24 is not anticipated by Dutta for at least the reason that Dutta fails to disclose, either expressly or

inherently, all of the elements of Claims 24.

Regarding Claim 25, Applicants respectfully submit that Dutta does not disclose, either expressly or inherently, “wherein said deep link table contains web page links and rules operable for establishing web content that is to be presented to a visitor of said target web site; and displaying web content to said visitor in accordance with said rules, the web content comprising: pre-display content that is displayed prior to display of said target web page; and with-display content that is displayed simultaneously with display of said target web page” (emphasis added), as recited in Claim 25. For at least these reasons, Applicants respectfully submit that Claim 25 is not anticipated by Dutta.

Claims 26 – 46 depend from Claim 25, and thus are believed to be allowable at least due to their dependency on Claim 25.

Further regarding Claim 26, Applicants respectfully submit that Dutta fails to disclose, either expressly or inherently, “said web content further comprises: post-display content that is displayed subsequent to display of said target web page”. Dutta is silent to further content display after reaching a targeted deeply linked page. For least this reason, Applicants respectfully submit that Claim 26 is not anticipated by Dutta.

Applicants further submit that the Examiner has not addressed the defendant claims, which include multiple elements that do not appear in Dutta. For example, Claim 40 recites, “on demand sharing of process software for providing deep linking with digital rights management”; Claim 41 recites, “recording a plurality of usage measurements selected from the group of usage measurements consisting of network bandwidth, processor memory, storage, and central processing unit cycles”; Claim 42 recites, “summing said usage measurements; acquiring at least one multiplicative value associated with said usage measurements and with unit costs”; Claim 43 recites, “posting said on demand charge on a web site if requested by said requesting customer; and sending said on demand charge via e-mail to said requesting customer's e-mail address”; Claim 44 recites, “charging said on demand charge to said requesting customer's account if an account exists and if said requesting customer has selected a charge account payment method”. Applicants respectfully submit that at least these elements and others recited in Claims 26-46 are not disclosed, either expressly or inherently, in Dutta, and thus cannot be anticipated by Dutta.

Regarding Claim 47, Applicants respectfully submit that Dutta does not disclose, either expressly or inherently, “a deep link table accessible to said source server, said deep link table storing hypertext links for said target web site including rules operable for presenting associated web pages to visitors of said target web site in a manner consistent with said target web site’s intent, including pre-display content to display prior to displaying a target web page and with-display content to display simultaneously with display of said target web page” (emphasis added), as recited in Claim 47. Dutta’s cookies at the content producer side and/or at the client side are not equivalent to “a deep link table accessible to said source server”. Again, Dutta does not disclose additional “with-display content to display simultaneously with display of said target web page”, as recited in Claim 47. For at least these reasons, Applicants respectfully submit that Claim 47 is not anticipated by Dutta for at least the reason that Dutta fails to disclose, either expressly or inherently, all of the elements of Claims 47.

Claims 48 and 49 depend from Claim 47, and thus are believed to be allowable at least due to their dependency on Claim 47.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and the Notice of Incomplete Response, and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicants deem to be the invention, it is respectfully requested that Claims 1-49 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0458.

Respectfully submitted,
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